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CPA-8  
1600U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
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FORM**

(to be used for all correspondence after initial filing)

Application Number	09/522,373
Filing Date	March 10, 2000
First Named Inventor	Loeb, Lawrence A.
Art Unit	1635
Examiner Name	Karen A. Lacourciere
Attorney Docket Number	016336-000730US

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Total Number of Pages in This Submission

9

**ENCLOSURES (Check all that apply)**☒ Fee Transmittal Form☐ Fee Attached☐ Amendment / Reply☐ After Final☐ Affidavits/declaration(s)☒ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Response to Missing Parts/  
Incomplete Application☐ Response to Missing Parts  
under 37 CFR 1.52 or 1.53☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a  
Provisional Application☐ Power of Attorney, Revocation  
Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s)☐ After Allowance Communication to  
Group☐ Appeal Communication to Board of  
Appeals and Interferences☐ Appeal Communication to Group  
(Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s)  
(please identify below):Return Postcard; CPA Req. Trans. SB/29  
(2 pgs., 2 copies); Pet. 2 mo. Ext. Time  
SB/22 (1 pg., 2 copies); Fee Trans. SB/17  
(1 pg., 2 copies)

Remarks

The Commissioner is authorized to charge any additional fees to  
Deposit Account 20-1430.**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**Firm  
or  
Individual

Townsend and Townsend and Crew LLP

Jeffry S. Mann

Reg. No. 42,837

Signature

Date

March 12, 2003

**CERTIFICATE OF TRANSMISSION/MAILING**I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on this date: **March 12, 2003**

Typed or printed

Dana Kane


Signature

Date

March 12, 2003

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231. SF 1440025 v1

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2

	<h2 style="margin: 0;">CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL</h2> <p style="margin: 5px 0 0 40px;">Submit an original, and a duplicate for fee processing</p> <p style="margin: 0 0 0 40px;">(Only for Continuation or Divisional applications under 37 CFR 1.53(d))</p>	<p>#18/K.T. 3/20 CPA</p> <p>CHECK BOX, if applicable <input checked="" type="checkbox"/> DUPLICATE</p>
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<p><b>Address to:</b></p> <p style="text-align: center;">Assistant Commissioner for Patents Box CPA Washington, DC 20231</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Attorney Docket No. of Prior Application</td> <td style="width: 50%;">016336-000730US</td> </tr> <tr> <td>First Named Inventor</td> <td>Lawrence A. LOEB</td> </tr> <tr> <td>Examiner Name</td> <td>Karen A. Lacourciere</td> </tr> <tr> <td>Group Art Unit</td> <td>1635</td> </tr> <tr> <td>Express Mail Label No.</td> <td>EV 252328066 US</td> </tr> </table>	Attorney Docket No. of Prior Application	016336-000730US	First Named Inventor	Lawrence A. LOEB	Examiner Name	Karen A. Lacourciere	Group Art Unit	1635	Express Mail Label No.	EV 252328066 US
Attorney Docket No. of Prior Application	016336-000730US										
First Named Inventor	Lawrence A. LOEB										
Examiner Name	Karen A. Lacourciere										
Group Art Unit	1635										
Express Mail Label No.	EV 252328066 US										

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This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d),  
(continued prosecution application (CPA)) of prior application number 09/522,373 filed on March 10, 2000,  
entitled INDUCTION OF VIRAL MUTATION BY INCORPORATION OF MISCODING RIBONUCLEOSIDE ANALOGS INTO VIRAL RNA.

**NOTES**

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1. ☒ Enter the unentered amendment previously filed on 12/11/02 under 37 CFR 1.116 in the prior nonprovisional application
2. ☐ A preliminary amendment is enclosed.
3. ☐ This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
  - a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:  
\_\_\_\_\_
  - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. ☐ Information Disclosure Statement (IDS) is enclosed:
  - a. ☐ PTO-1449
  - b. ☐ Copies of IDS Citations

[Page 1 of 2]

**Burden Hour Statement:** This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c) or (j))	24-20* =	4	x \$9.00=	36.00
	INDEPENDENT CLAIMS 37 CFR 1.16(b) or (i))	2-3** =	0	x \$42.00=	0
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			x \$ ____ =	
				BASIC FEE (37 CFR 1.16)	750
	Total of above Calculations =				
	Reduction by 50% for filing by small entity (Note 37 CFR 1.27).				375.00
	* <i>Reissue claims in excess of 20 and over original patent.</i>				
	** <i>Reissue independent claims over original patent.</i>				
	TOTAL =				411.00

6. ☒ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.
7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 20 - 1430 :
- a. ☐ Fees required under 37 CFR 1.16.
- b. ☐ Fees required under 37 CFR 1.17.
- c. ☐ Fees required under 37 CFR 1.18.
8. ☐ A check in the amount of \$ \_\_\_\_ is enclosed.
9. ☐ Payment by credit card. Form PTO-2038 is attached.
10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of \_\_\_\_ months (not to exceed 3 months) and the fee under 37 CFR 1.17(l) enclosed.
11. ☐ New Attorney Docket Number, if desired  
[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]
12. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)
- b. ☐ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)
13. ☐ Other: \_\_\_\_

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**NOTE:** The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

**12. NEW CORRESPONDENCE ADDRESS**☒ Customer Number or Bar Code Label

20350

PATENT TRADEMARK OFFICE

or ☐ New correspondence address below

Name

Address

City

State

Zip Code

Country

United States

Telephone

Fax

**13. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print /Type)

Jeffrey S. Mann

Signature

Registration No. (Attorney/Agent)

42,837

Date

March 12, 2003

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL**  
**for FY 2003**

Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 616**Complete if Known**

Application Number 09/522,373

Filing Date March 10, 2000

First Named Inventor Loeb, Lawrence A.

Examiner Name Karen A. Lacourciere

Group Art Unit 1635

Attorney Docket No. 016336-000730US

**RECEIVED****MAR 18 2003****TECH CENTER 1600/2900****METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit Card ☐ MoneyOrder ☐ Other ☐ None☒ Deposit Account:Deposit  
Account  
Number

20-1430

Deposit  
Account  
Name

Townsend and Townsend and Crew LLP

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

**SUBTOTAL (1)**

(\$375)

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fees from below	Fee Paid
24	-20** = 40	X\$9	\$36.00
Independent Claims	2	-3** = 0	X\$42 = \$0
Multiple Dependent		X	

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2)**

(\$36.00)

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	205
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Petitions related to provisional applications	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) CPA

375

\*Reduced by Basic Filing Fee Paid **SUBTOTAL (3)**

(\$580)

**SUBMITTED BY****Complete (if applicable)**

Name (Print/Type)	Jeffrey S. Mann	Registration No. (Attorney/Agent)	42,837	Telephone	415-576-0200
Signature				Date	March 12, 2003

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